

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Beales and Senior Judge Fitzpatrick

RONALD L. COOK

v. Record No. 1502-06-2

NABISCO, INC. AND
AMERICAN PROTECTION INSURANCE COMPANY

MEMORANDUM OPINION*
PER CURIAM
NOVEMBER 21, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Ronald Cook, *pro se*, on briefs).

(Calvin W. Fowler, Jr.; Misty D. Evans; Williams Mullen, on brief),
for appellees.

Ronald L. Cook (claimant) appeals a decision of the Workers' Compensation Commission finding that (1) the deputy commissioner did not refuse to accept evidence; (2) claimant failed to prove he was entitled to reimbursement from employer for mileage expenses related to treatment rendered by Dr. Dubats; (3) claimant's claim for temporary total disability benefits was barred by the limitations period contained in Code § 65.2-708; (4) the medical evidence failed to support claimant's allegation that he cannot return to work as a result of his compensable back injury; (5) at a minimum, claimant's physicians released him to light duty, and he presented no evidence that he marketed his residual work capacity; (6) assuming *arguendo* that claimant sought compensation benefits for an alleged psychological disability, such claim was barred by the doctrine of res judicata and/or the statute of limitations; and (7) the record did not "reveal evidence of any fraud, harassment, or perjury having been perpetuated against claimant, against the agency by the employer, or as a result of the agency's

* Pursuant to Code § 17.1-413, this opinion is not designated for publication.

determinations.” We have reviewed the record and the commission’s opinion and find that this appeal is without merit. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Cook v. Nabisco, Inc., VWC File No. 206-42-37 (May 17, 2006). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately presented in the materials before the Court and argument would not aid the decisional process. See Code § 17.1-403; Rule 5A:27.¹

Affirmed.

¹ Notwithstanding the content of claimant’s briefs, in rendering this decision, we have only considered the evidence and issues that were properly before the commission when it rendered its decision and which were preserved for appellate review.